

# IN THE DISTRICT COURT OF HOLT COUNTY, NEBRASKA

THE STATE OF NEBRASKA,  
Plaintiff,

Case No. CR99-25

vs.

## JUDGMENT AND SENTENCE

RHONDA K. OSTERMILLER,  
Defendant.

**HEARING DATE:** June 10, 2002.

**APPEARANCES:**

For plaintiff: Thomas P. Herzog, Holt County Attorney.

For defendant: defendant with counsel, Rodney W. Smith, Holt County Public Defender.

**CHARGES:** Count 1: Issuing Bad Check, second offense; § 28-611(2); Class IV felony  
Count 2: Issuing Bad Check, second offense; § 28-611(2); Class IV felony  
Count 3: Issuing Bad Check, second offense; § 28-611(2); Class IV felony

**PROCEEDINGS:**

Prior Proceedings: 9 reviewed by court;  
9 no motions;  
9 motion for \_\_\_\_\_ considered,  
9 no evidence, 9 evidence for defendant, 9 evidence for plaintiff,  
argument for defendant: 9 heard 9 waived,  
argument for plaintiff: 9 heard 9 waived,  
motion is 9 denied 9 granted, further relief \_\_\_\_\_

Restitution Hrg: 9 plaintiff previously acknowledged completion of restitution.

Presentence: 9 all parties previously waived updated presentence report

Evidence: plaintiff: 9 has no evidence 9 adduces evidence on sentencing  
defendant: 9 has no evidence 9 adduces evidence on sentencing

Arguments: argument of plaintiff's counsel is: 9 heard 9 waived  
argument of defendant's counsel is: 9 heard 9 waived

Allocution: upon inquiry by Court, defendant:  
9 makes no statement 9 exercises right of allocution

**FINDINGS:** 9 stated on record 9 not specifically stated

**SENTENCE:** IT IS THE JUDGMENT AND SENTENCE OF THE COURT that the order of probation entered on November 18, 1999, as amended by order entered December 10, 2001, is revoked, and the defendant is sentenced as upon the original conviction:

On Count No. 1: 9 to imprisonment and committed to the Holt County Jail for a

period of 22 days, with no credit due for time served because none was served on this case before sentencing, to be served concurrently with the sentences on Counts Nos. 2 and 3 herein;

9 to pay court costs of \$\_\_\_\_\_ to the clerk of this court within 30 days after defendant's final release from imprisonment.

On Count No. 2: 9 to imprisonment and committed to the Holt County Jail for a period of 22 days, with no credit due for time served, to be served concurrently with the sentences imposed on Counts Nos. 1 and 3 herein.

On Count No. 3: 9 to imprisonment and committed to the Holt County Jail for a period of 22 days with no credit due for time served, to be served concurrently with the sentences imposed on Counts Nos. 1 and 2 herein.

Remand/  
Commitment: 9 It is therefore ordered that the defendant be remanded to the custody of the Sheriff of Holt County, Nebraska, for execution of sentence, and commitment is hereby ordered accordingly and shall be immediately issued by the court clerk under seal of this court.

Further App.: 9 It is further ordered that in the event the defendant shall fail to pay any costs as ordered above, the defendant shall appear at the first regular session of this court after the expiration of time for payment thereof, and show cause, if any there be, why the defendant should not be held in contempt of court and punished for failure to comply therewith.

Good Time: 9 As required by law, the court advised the defendant on the record of the time required to be served on the sentence, assuming no good time for which the defendant is eligible is lost.

Bond: After deduction of any statutory fees, the defendant's bond:  
9 shall be released upon defendant's acceptance in writing of terms and conditions of probation.  
9 is hereby released, discharged, and any surety thereon exonerated.  
9 was previously forfeited.

Stay: Upon defendant's motion, and after consideration of any objections thereto and arguments thereon, the:  
9 request for stay of execution is denied.  
9 execution of sentence is stayed until \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ M., at which time the defendant shall appear and surrender to the said sheriff for execution of sentence, and bond is continued to secure such appearance and surrender.

- 9 the execution of sentence is stayed, upon verbal notice of intention to appeal, until the first to occur: (1) the expiration of time for appeal if no appeal is timely filed and perfected, or, (2) entry of judgment upon the mandate of the appellate court if appeal is timely filed and perfected. Upon expiration of stay, commitment shall issue in accordance with the final judgment and the defendant shall appear and surrender to the said county sheriff for execution of sentence.
- 9 Upon any failure to appear and surrender, upon appropriate affidavit and motion, the defendant shall be subject to: (1) forfeiting bond, (2) prosecution for the separate crime of Failure to Appear, and/or (3) arrest upon bench warrant.

Other: 9 \_\_\_\_\_.

Signed at **O'Neill**, Nebraska, on **June 10, 2002**;  
DEEMED ENTERED upon file stamp date by court clerk.  
If checked, the court clerk shall:

BY THE COURT:

- 9 Mail a copy of this judgment to all counsel of record and any pro se parties.  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.
- 9 Immediately transcribe trial docket entry dictated in open court.  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.
- 9 Deliver certified copy of judgment and original commitment to sheriff for execution of sentence.  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.
- 9 Mail postcard/notice required by § 25-1301.01 within 3 days.  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.
- 9 Enter judgment on the judgment record.  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
**William B. Cassel**  
District Judge

Mailed to: